

21. Prosecution of Water Theft

21.1 If an investigation determines water theft has occurred, Stoughton Utilities, utilizing applicable service rules, Public Service Commission regulations, City of Stoughton Ordinances and Wisconsin law, will sign a complaint with the Stoughton Police Department

Wis. Stats. 941.36

Fraudulent tapping of electric wires or gas or water meters or pipes.

(1) Whoever, without permission and for the purpose of obtaining electrical current, gas or water with intent to defraud and vendor of electricity, gas or water by doing any of the following, is guilty of a Class C misdemeanor.

(a) Connects or caused to be connected by wire or any other device with the wire, cables or conductors of any such vendor.

(b) Connects or disconnects the meters, pipes or conduits of the vendor or in any other manner tampers or interferes with the meters, pipes or conduits or connects with the meters, pipes or conduits by pipes, conduits or other instruments.

(2) The existence of any of the conditions with reference to meters, pipes, conduits or attachments, described in this section, is presumptive evidence that the person to whom gas, electricity or water is at the time being furnished by or through the meters, pipes, conduits or attachments has, with intent to defraud, created or caused to be created the conditions. The presumption does not apply to any person furnished with gas, electricity or water for less than 31 days or until there has been at least one meter reading.

Stoughton Water Utility Operating Rules state:

Water for Construction:

When water is requested for construction purposes or for filling tanks or other such uses, an application shall be made to the water utility, in writing, giving a statement of the amount of construction work to be done or the size of the tank to be filled, etc.

Use of Hydrants:

In cases where no other supply is available, permission may be granted by the water utility to use a hydrant. No hydrant shall be used until the proper meter and valve are installed. In no case shall any valve be installed or moved except by an employee of the water utility.

Before a valve is set, payment must be made for its setting and for the water to be used at the scheduled rates. Where applicable, see Schedule BW-1 for deposits and charges. Upon completing the use of the hydrant, the customer must notify the water utility to that effect.

Operation of Valves and Hydrants and Unauthorized Use of Water – Penalty :

Any person who shall, without authority of the water utility, allow contactors, masons, or other unauthorized persons to take water from their premises, operate any valve connected with the street or supply mains, or open any fire hydrant connected with the distribution system, except for the purpose of extinguishing fire, or who shall wantonly damage or impair the same, shall be subject to a fine as provided by municipal ordinance. Permits for the use of hydrants apply only to such hydrants that are designated for the specific use.

Bulk Water:

All bulk water supplied from the water system through hydrants or other connections shall be metered, or at the direction of the utility, estimated. Utility personnel or a utility-approved party shall supervise the delivery of water.

Bulk water sales include:

Water supplied from hydrants or other temporary connections for general service type applications. (Water supplied for construction purposes – see Schedule Mz-1)

Stoughton Municipal Code States:

Sec. 74-14. Interference with operation of utilities prohibited:

(a) Wis. Stats. § 941.36 is adopted by reference.

(b) In addition to the penalty imposed by subsection (a) of this section for violation of this section, the person making an unauthorized connection shall be liable for all electricity, wastewater or water estimated by the director to have been consumed or discharged, which amount unless sooner paid may be assessed as a special tax against the premises.

(Code 1986, § 13.12; Ord. No. 0-40-03, § 1, 10-14-2003; Ord. No. 0-54-03, § 1, 12-9-2003)

Sec. 74-15. Water meters:

(a) The utilities committee shall prescribe and regulate the kind of water meters to be used in the city and the manner of attaching and connecting the water meters, and may in like manner make such other rules for the use and control of water meters attached and connected as provided in this chapter as shall be necessary to secure reliable and just measurement of the quantity of water used; and also make rules to regulate the use of soil pipe, wastewater or sanitary sewer or water pipes which are proposed to be connected with the city water or wastewater or sanitary sewer system; and may alter and amend such rules from time to time as shall be necessary for the purposes named.

(b) If the owner or occupant of any premises, where the attaching and connection of a water meter may lawfully be required, shall neglect or fail to attach and connect such water meter, as is required according to the rules established by the utilities committee, for 30 days after the expiration of the time within which such owner or occupant shall have been notified by such utilities committee to attach and connect such meter, the utilities committee may cause the water supply by the city to be cut off from the premises, and it shall not be restored except upon such terms and conditions as the utilities committee shall prescribe.

(Code 1986, § 13.13; Ord. No. 0-40-03, § 1, 10-14-2003; Ord. No. 0-54-03, § 1, 12-9-2003)

PSC Ch. 185.33 Billing:

(10)(h) Bills issued for utility service that was previously unbilled because of meter diversion or tampering with the proper metering of the account may include a late payment charge when issued. The late payment charge may be applied from the estimated date that the diversion or tampering took place.

PSC Ch. 185.33 Disconnection and refusal or service:

(2) Utility service may be disconnected or refused for any of the following reasons:

(d) Diversion of service around the meter

(h) Failure to comply with Wisconsin statutes, commission rules, or commission orders pertaining to utility service.

(j) Failure to comply with the utility's rules or if the customer uses a device that unreasonably interferes with communications or signal services used for reading meters.

Effective: Thursday, January 15, 2009
Brian R. Hoops
Utilities Office & Information Systems Supervisor